

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 19-cr-20028
Hon. Matthew F. Leitman

v.

ROBERT M. SMITH,

Defendant.

/

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION
FOR MODIFICATION OF SENTENCE (ECF No. 63)**

Defendant Robert Smith has filed a motion for modification of his sentence. (See Mot., ECF No. 63.) His motion does not identify the statute or rule under which he seeks relief. Like the Government (*see* ECF No. 66), the Court will construe the motion as one for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). The Court **DENIES** the motion **WITHOUT PREJUDICE** because Smith has not shown that he exhausted, or attempted to exhaust, his administrative remedies. *See United States v Alam*, 960 F.3d 831, 832 (6th Cir. 2020). If Smith is seeking relief under some other statute or rule, he may re-file his request and clearly identify the statute or rule that, he claims, entitles him to the relief he seeks.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: December 14, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 14, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager
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